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Attorneys for Plaintiff CamelBak Products, LLC

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

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| CAMELBAK PRODUCTS, LLC, a Delaware limited liability company,<br>Plaintiff,<br>v.<br><br>NALGE NUNC INTERNATIONAL CORPORATION, a Delaware corporation,<br>Defendant. | Civil No.<br><br>**COMPLAINT FOR PATENT INFRINGEMENT**<br><br>**DEMAND FOR JURY TRIAL** |

For its complaint, plaintiff CamelBak Products, LLC, ("CamelBak") alleges against defendant Nalge Nunc International Corporation ("Nalge Nunc") as follows:

Parties

1. Plaintiff CamelBak is a limited liability company organized and existing under the laws of the state of Delaware. CamelBak has a principal place of business at 1310 Redwood Way, Suite C, Petaluma, California 94954.

2. Defendant Nalge Nunc, on information and belief, is a corporation organized and existing under the laws of the state of Delaware, and has an address at 75 Panorama Creek Dr., Rochester, New York 14625. Nalge Nunc is, on information and

belief, doing business throughout the United States, including California and in this district.

Jurisdiction

3. This court has jurisdiction under 28 U.S.C. § 1338(a) because this is a cause of action for patent infringement pursuant to 35 U.S.C. § 271.

Venue

4. Venue in this district is proper under 28 U.S.C. §§ 1391 and 1400.

Intradistrict Assignment

5. This division has jurisdiction pursuant to Civil Local Rule 3-2(c) because CamelBak has its principal place of business in Sonoma County, California.

Infringement of U.S. Patent No. 6,675,998

6. CamelBak is the owner of U.S. Patent No. 6,675,998 ("the '998 patent"). The '998 patent issued on January 13, 2004 and is entitled "Hydration System with Improved Fluid Reservoir." A copy of the '998 patent is attached as Exhibit A hereto.

7. The application from which the '998 patent issued was filed on July 10, 2001 and claims priority to U.S. Provisional Application No. 60/217,429, which was filed on July 10, 2000. The U.S. Patent and Trademark Office examined the application, determined that the claimed hydration systems met all of the criteria for patentability, and awarded the '998 patent on January 13, 2004. The patent is currently in force, is valid, and is enforceable. The patent gives CamelBak the right to exclude others from making, using, importing, selling, or offering for sale the claimed invention throughout the United States.

8. Notwithstanding CamelBak's patent rights, Nalge Nunc has made, used, imported, sold, offered for sale, and/or is making, using, importing, selling, and offering for sale hydration devices that infringe the '998 patent. These infringing devices include Nalge Nunc's Big Bore and Super D hydration systems, and all other hydration devices containing elements identical to or equivalent to the claimed limitations recited in the '998 patent.

9. Nalge Nunc infringes the ’998 patent by making, using, importing, selling and/or offering for sale the infringing hydration devices in the United States during the term of the ’998 patent without CamelBak’s authorization.

10. Nalge Nunc also infringes the ’998 patent by inducing others to use, sell, or offer for sale the infringing hydration devices without CamelBak’s authorization.

11. CamelBak is entitled to recover damages from Nalge Nunc for infringing the ’998 patent.

12. Nalge Nunc was specifically notified of CamelBak’s published pending patent application on the inventions disclosed in the now issued ’998 patent by certified mail on February 19, 2003. The letter to Nalge Nunc included a copy of the published application, United States Patent Application Publication No. US 2002/0014498 A1. A copy of the aforementioned letter and patent application publication is attached as Exhibit B hereto. Thus, on information and belief, Nalge Nunc had access to and actual notice of CamelBak’s pending, and now granted, intellectual property rights.

13. Despite the fact that Nalge Nunc had notice of CamelBak’s patent rights, on information and belief, Nalge Nunc has taken no action to avoid infringement of the ’998 patent.

14. On information and belief, Nalge Nunc has been and is knowingly practicing the inventions disclosed in the ’998 patent by manufacturing, using, selling, offering to sell and/or importing the invention in the United States without authorization from CamelBak, and thereby has willfully infringed and is willfully infringing the ’998 patent. Nalge Nunc’s acts have caused and are causing severe and irreparable damage to CamelBak that will continue without a grant of relief from this court.

WHEREFORE, CamelBak prays for judgment:

1. That Nalge Nunc’s personal hydration devices infringe the ’998 patent pursuant to 35 U.S.C. § 271.

2. That Nalge Nunc, its agents, employees, officers, distributors and those persons in active concert or participation with Nalge Nunc, be preliminarily and

permanently enjoined against any further infringement of the ’998 patent pursuant to 35 U.S.C. § 283.

3. By receiving an accounting against Nalge Nunc for an amount adequate to compensate for infringement of the ’998 patent, including CamelBak’s lost profits stemming from infringement of the ’998 patent, pursuant to 35 U.S.C. § 284; in any event, CamelBak shall be awarded no less than a reasonable royalty for all of Nalge Nunc’s infringing acts.

4. That Nalge Nunc’s acts constitute willful infringement of the ’998 patent.

5. By receiving damages equal to three times the amount of damages found or assessed, to compensate CamelBak for Nalge Nunc’s willful infringement of the ’998 patent pursuant to 35 U.S.C. § 284.

6. That CamelBak be awarded attorneys’ fees pursuant to 35 U.S.C § 285.

7. That CamelBak be awarded its reasonable costs and interest.

8. That CamelBak be awarded any other relief that the Court may deem just and proper.

PLAINTIFF DEMANDS TRIAL BY JURY.

Respectfully submitted,

KOLISCH HARTWELL, P.C.

Date: June 24, 2004

/s/ Peter E. Heuser

Peter E. Heuser, State Bar No. 111600
of Attorneys for Plaintiff CamelBak Products, LLC

Certification of Interested Entities or Parties

Pursuant to Civil L.R. 3-16, and on behalf of Plaintiff CamelBak Products, LLC, the undersigned certifies that the following listed persons, associations of persons, firms, partnerships, corporations (including patent corporations) or other entities (i) have a financial interest in the subject matter in controversy or in a party in the proceeding, or (ii) have a non-financial interest in that subject matter or in a party that could be substantially affected by the outcome of this proceeding:

Bear Sterns Merchant Banking Partners II, L.P. (a shareholder of CamelBak Products, LLC).

Bernard Kerik (a director of CamelBak Products, LLC)

Date: June 24, 2004

/s/ Peter E. Heuser
Peter E. Heuser, State Bar No. 111600
of Attorneys for Plaintiff CamelBak Products, LLC